

# Notice of Allowability

Application No.

09/877,004

Examiner

Anthony T Ton

Applicant(s)

HORIOKA ET AL.

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/11/2001.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 11 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
PHIRIN SAM  
PRIMARY EXAMINER

**DETAILED ACTION**

***Allowable Subject Matter***

1. The following is an examiner's statement of reasons for allowance:

a) **In Regarding to Claims 1-4:** The prior arts of record fail to teach a method of controlling a rate at which a cell transmitting apparatus is allowed to transmit cells to a cell receiving apparatus through a connection in a communication network, the connection having a minimum cell rate determined when the connection is set up, the method comprising a combination of steps of:

establishing a lowest cell rate lower than the minimum cell rate; and

determining an allowable cell rate, the allowable cell rate being determined from at least the input rate and the cell rate information, the allowable cell rate being set at the lowest cell rate under a certain condition in which the input rate is lower than the minimum cell rate.

b) **In Regarding to Claims 5-8:** The prior arts of record fail to teach a cell transmitting apparatus transmitting cells to a cell receiving apparatus through a connection in a communication network, the connection having a minimum cell rate determined when the connection is set up, the cell transmitting apparatus comprising a combination of step of:

an allowable cell rate being determined from at least the input rate and the cell rate information, the allowable cell rate being set at a predetermined lowest cell rate under a certain condition in which the input rate is lower than the minimum cell rate, the predetermined lowest cell rate being lower than the minimum cell rate.

c) **In Regarding to Claims 9-11:** The prior arts of record fail to teach a traffic control system for controlling cell traffic on a connection in a communication network, the connection

having a minimum cell rate determined when the connection is set up, the traffic control system including a cell transmitting apparatus for transmitting cells on the connection and a cell receiving apparatus for receiving the transmitted cells and providing cell rate information to the cell transmitting apparatus, the cell transmitting apparatus comprising a combination of step of:

an allowable cell rate calculation unit, in which an allowable cell rate being determined from at least the input rate and the cell rate information, the allowable cell rate being set at a predetermined lowest cell rate under a certain condition in which the input rate is lower than the minimum cell rate, the predetermined lowest cell rate being lower than the minimum cell rate.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Examiner Information***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is **571-272-3076**. The examiner can normally be reached on M-F: 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ken Vanderpuye** can be reached on **571-272-3078**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-3076**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted  
by : ATT.  
Anthony T. Ton  
*Patent Examiner*  
October 13, 2004



**PHIRIN SAM**  
**PRIMARY EXAMINER**